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MARY E. D'ANDREA, CLERK
Per 
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M. ASH-SHARIEF AL'ASKARI,
Plaintiff

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF PENNSYLVANIA

v. : Civil No. 1:CV-00-1449
S., et al., : (Judge Caldwell)
Defendants : (Magistrate Judge Smyth)

KATHLEEN HAWKES, et al.,
Defendants

DEFENDANTS' MOTION TO DISMISS AND
FOR SUMMARY JUDGMENT

Defendants ask the Court to dismiss the complaint pursuant to Fed. R. Civ. P. 12(b) and to grant summary judgment in their favor pursuant to Fed. R. Civ. P. 56(b). A brief in support of this motion will be filed in accordance with M.D. Pa. Local Rule 7.5.

Counsel certifies that he has not obtained the concurrence of plaintiff pursuant to M.D. Pa. Local Rule 7.1 because plaintiff is a prisoner proceeding pro se.

Respectfully submitted,

DAVID M. BARASCH
United States Attorney

Matthew Hagerty, DDS

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Dated: November 9, 2000

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF PENNSYLVANIA

M. ASH-SHARIEF AL'ASKARI, :
Plaintiff :
v. : Civil No. 1:CV-00-1449
: (Judge Caldwell)
KATHLEEN HAWKES, et al., : (Magistrate Judge Smyser)
Defendants :
:

CERTIFICATE OF SERVICE BY MAIL

The undersigned hereby certifies that she is an employee in the Office of the United States Attorney for the Middle District of Pennsylvania and is a person of such age and discretion as to be competent to serve papers.

That on November 9, 2000, she served a copy of the attached

**DEFENDANTS' MOTION TO DISMISS AND
FOR SUMMARY JUDGMENT**

by placing said copy in a postpaid envelope addressed to the person hereinafter named, at the place and address stated below, which is the last known address, and by depositing said envelope and contents in the United States Mail at Harrisburg, Pennsylvania.

Addressee:

M. Ash-Sharief Al'Askari
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Shelley L. Grant
SHELLEY L. GRANT
Paralegal Specialist